

# **KENTUCKY BOARD OF RESPIRATORY CARE**

## **MINUTES**

December 13, 2007

A special meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at Spindletop Hall Mansion, Iron Works Pike, Lexington, KY on Thursday, December 13, 2007.

### **MEMBERS PRESENT**

Dr. Byron T. Westerfield, Chair  
Klaus Becker, Vice-Chair  
Anna J. Jones  
Tami McDaniel  
Pat Fisher  
Dr. Abdi Vaezy

### **KBRC STAFF**

Peggy Lacy Moore, Executive Director  
Rick L. Rose, Administrative Assistant

### **OTHER**

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:45 p.m., at Spindletop Hall Mansion.

### **Report from CEU Committee - Continuing Education**

Pat Fisher updated the Board on the CEU submissions and 2008 renewal audits that she had reviewed. Some CEU's from American Medical and Nursing are not applicable at present to use for respiratory credits. Mr. Rose will work with Pat Fisher in updating the KBRC database with appropriate credits awarded for CEU submissions.

### **Keith Varnes Email**

The Board reviewed a request from Keith Varnes who had directed emails to Mrs. Moore and Mrs. Fisher. Mr. Varnes was requesting to be linked to the KBRC website for the availability of CEU courses. Tami McDaniel spoke as a member of the KY Society of Respiratory Care and stated she would contact Mr. Varnes and he could petition the KSRC to have a link to advertise his CEU's on the KSRC website.

### **Barry Butcher Letter Re: CEU's**

The Board reviewed a letter from Barry Butcher regarding suggestions to change KRS 314A.115 – Continuing Education. The Board reviewed and thanks Mr. Butcher for his suggestions and will take them under advisement. Mr. Butcher's request would call for a change to our continuing education laws.

Chairman Westerfield thanked Mrs. Moore and Mr. Rose for their outstanding work in undertaking the 2008 online renewals with KY.Gov and offering this convenience to our practitioners to renew their licensures.

**Agreed Orders:**

**Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06**

Mrs. Moore provided an update from Lance Warmath, Probation & Parole Officer in Marshall County, KY regarding Shirley Henderson. Mrs. Henderson has relapsed, failed on her Agreed Order, and has a criminal charge against her that will be heard on January 22, 2008. Mrs. McDaniel requested we clarify with Brian Fingerson if "Benzodiazepan" was a permitted medication in her KYPRN agreement. A motion was made by Tami McDaniel to continue Mrs. Henderson's case pending the outcome of the court case on January 22, 2008. Motion carried unanimously.

**Darlene Jackson KY # 4926 – Agreed Order 3/15/05**

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order. Ms. Jackson reports she is working 4-12 hour shifts at West Chester Nursing Rehab Center in West Chester, Ohio.

**Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007**

Ms. Lalonde advised the Board that Katrina Baker has failed on her monthly reporting to Mr. Fingerson and the KYPRN Program. Mr. Fingerson reported Ms. Baker has not provided any documentation since October 17, 2007. Ms. Lalonde advised the Board may have to take action against Ms. Baker if she has violated the terms of her Agreed Order for non-compliance and lack of reporting pursuant to her KYPRN Agreement. The Board requested Mrs. Moore to confer with Mr. Fingerson on the status of Ms. Baker.

**Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06**

The Board reviewed a letter from Ms. Barnes regarding her drug screen of Dec. 4, 2007 wherein she tested positive for barbiturates. Ms. Barnes states she was self medicating herself with Thera-Flu and Tylenol PM due to having the flu at Thanksgiving. Ms. Lalonde advised that Ms. Barnes needs to substantiate her claim, due to her drug analysis and the Board may determine that her Agreed Order needs to be changed due to this positive screen. The Board requested staff get more information and copy of documentation from Mr. Fingerson concerning Ms. Barnes KYPRN Agreement.

**David Ray Ballard KY # 0209 – Agreed Order 7/26/07**

Mr. Ballard is serving the terms of his Agreed Order that includes a six (6) month suspension of his license.

**Tami D. Balser KY # 2181 – Agreed Order Pending 2/21/2008 Meeting**

Ms. Lalonde stated Ms. Balser's case is still in progress and she will get with Mr. Fingerson to get specifics and incorporate the Bluegrass Comprehensive Care Center treatment plan terms into an Agreed Order. Ms. Balser must continue to work with Brian Fingerson and the KYPRN program. Once the Agreed Order is approved she will be issued her renewal license to work.

## **Old Business**

### **Robert J. Close Withdraws Request for Mandatory Licensure Certificate**

Robert J. Close withdrew his Mandatory Application to work in KY, because he did not want to enter into an Agreed Order to work in KY. Mrs. Moore stated no refunds are given for withdrawing applications.

### **2008 Online Renewal – Questions Posed by KY.Gov Re: Convictions or Defaults**

Mrs. Moore told the Board she referred the question Mr. Loy posed regarding a test run on the renewal application to Ms. Lalonde, legal counsel. *“If a person states they have been charged with a felony, and or in default of financial obligation, should they be allowed to go back and change their answers and correct a question if they had made a mistake processing the online renewal application.”* Since it is impossible to know when someone is merely correcting an answer rather than changing an answer so that the application can be processed, Ms. Lalonde suggested we should leave the application as is. Thus, if an individual answers “yes” to a felony or default question, the system aborts the online renewal. The individual would have to contact the Board office to renew by paper and may be required to send information or documentation pertinent to the question which triggered the online abort.

Klaus Becker moved to affirm the procedure whereby online renewal is aborted if someone answers in the affirmative to a felony conviction or default on KHEAA obligations; seconded by Tami McDaniel. Motion carried unanimously.

## **Complaints**

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Anna Jones, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Anna Jones. Motion carried unanimously.

### **A. Mark Pierce - KY # 0936**

Klaus Becker made a motion to continue the case pending the outcome of Mr. Pierce’s criminal case; motion was seconded by Anna Jones and carried unanimously.

### **B. Edward R. Price - KY # 4682**

Klaus Becker made a motion to set a hearing at 12:30 p.m., on Thursday, February 21, 2008 for Edward R. Price before a hearing officer with the Attorney General’s office. Motion was seconded by Anna Jones and carried unanimously.

### **C. Wayne D. McQuain - KY # 4509**

Klaus Becker made a motion to accept the report of Janet R. Vogt, Investigator, and her findings regarding Wayne D. McQuain. The Board dismissed the complaint case against Mr. McQuain due to insufficient evidence; motion was seconded by Anna Jones and carried unanimously.

### **RegWatch HB 374**

Ms. Lalonde updated the Board about a new law (HB 374) that requires us to send folks copies of legislation if they make a request in writing to the agency. Mrs. Moore stated we had about 12 folks that had sent us emails requesting any proposed legislation our agency may have for 2008. Mrs. Moore stated we had to keep a record of these requests for 4 years.

### **Jim Maynard Email Re: Scope of Practice**

Mrs. McDaniel advised the Board of correspondence with Jim Maynard, Supervisor of the Respiratory Department at Williamson Appalachian Regional Hospital, South Williamson, KY. Mrs. McDaniel advised him that our law permits a respiratory therapist to use pharmacologic agents related to cardiopulmonary procedures unless prohibited by the healthcare facility. She also stated that the KBRC will not list which drugs may be used since new drugs come along frequently.

### **Application Review**

A motion was made by Klaus Becker to accept all **30** applications since the last meeting; seconded by Tami McDaniel. Motion carried unanimously.

The following **Student applications (15)** were approved:

Molly E. Clouse, Chris A. Garrison, Kathy L. Mullins, Melissa A. Richmond, Cristina Ventura, Sara L. Sexton, Yolanda E. Pinkelton, Alisa N. Mattern, Holly D. Hall, Sabrina B. Cavendish, Maria Brock, Mary A. Baldwin, Leslie A. Hart, Paul D. Tomlin, and Jessica A. Herthel.

The following **Temporary applications (0)** were approved:

No temporary applications were presented.

The following **NBRC applications (4)** were approved:

Tara S. Jones, Suz-Ann M. Lumpkins, Stephanie A. Scarbrough, Kristen L. Sanders, Melanie Vincent.

The following **Reciprocity applications (11)** were approved:

Amy N. Crockett, Lee Ann Daniels, Kristi E. Dennis, Tracy M. Duncan, Jacqueline M. Hill, Amanda L. Johnson, Linda J. Haley, Joseph S. Lipcovich, Margaret J. Maiden, Deborah A. Patten, Monica Sedano.

Tami McDaniel made a motion to adjourn the meeting at 8:30 p.m.; seconded by Anna Jones. Motion carried unanimously.

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Dr. Byron T. Westerfield, Chair  
KY Board of Respiratory Care